

DEC 29 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AMBROCIO BARIA, Jr.,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-70552

Agency No. A043-096-968

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted December 17, 2008<sup>\*\*</sup>

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Ambrocio Baria, Jr., a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

from an immigration judge's removal order. Our jurisdiction is governed by 8 U.S.C. § 1252. We deny in part and dismiss in part the petition for review.

We reject Baria's contention regarding his allegedly defective criminal conviction, as we cannot collaterally revisit the circumstances of the conviction. *See Ortega de Robles v. INS*, 58 F.3d 1355, 1358 (9th Cir. 1995).

We lack jurisdiction over Baria's contentions that he was denied his statutory right to counsel and that he is eligible for relief from removal because he did not raise these claims before the BIA. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (exhaustion of claims within the agency's competence is mandatory and jurisdictional).

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**